IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 31953 of 1998**

Between:

1 E. Munirathnam Naidu, S/o E. Rama Naidu,
R/o Moravapatool Village, Erracheruvupalli Post,
Chittoor District
2 M. Nagaraja, S/o G. Mani, R/o 154-72, Ashokapuram,
Chittoor District
3 J.S. Sekhar S/o J.K. Sunderasen
R/o Mureskambal Post, Chittoor District

**..... PETITIONERS**

AND

1 Secretary, Regional Transport Authority,
Chittoor, Chittoor District
2 Secretary, State Transport Authority,
Andhra Prdesh, Hyderabad
3 Motor Vehicle Inspector (Flying Squad)
Kurnool, Kurnool District
4 Superintendent of Police,
Chittoor, Chittoor District
5 Motor Vehicles Inspector (Flying Squad)
Hyderabad, Hyderabad District

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction preferably one in the nature of Writ of Mandamus, directing the Respondents herein and their subordinate checking officers not to collect compounding fee for the alleged voilation of the provisions of Sec. 192-A of M.V.Act, 1988 in respect of the Petitioner's Passengers Vehicles bearing Registration Numbers - AP.03/T.3567; AP.03/U.1584; and AP.03/U.2034 respectively, as Stage Carriage or seize the Vehicles declaring that the respondents and their Subordinates have no authority of law to do so.

**Counsel for the Petitioners: MR.V.NARASIMHA REDDY**
**Counsel for the Respondents: GP FOR TRANSPORT**

**The Court made the following :**

**ORDER:**

Heard the learned counsel for the petitioners and the learned Government Pleader for Transport.

The present writ petition is filed seeking a direction to the respondents and their subordinate Checking officers not to collect compound fee on the ground of violation of the provisions under Section 192-A of the Motor Vehicles Act, 1988 in relation to the passenger vehicles of petitioner Nos.1 to 3 bearing Registration Nos. AP.03/T.3567, AP.03/U.1584, and AP.03/U.2034 respectively as Stage Carriages or not to seize the said vehicles.

Though the writ petition was admitted and interim orders were passed on 18-11-1998 in W.P.M.P. No.39209 of 1998, no counter affidavit has been filed by the respondents.

When the matter came up today for hearing, the learned counsel for petitioner submitted that the subject matter in this writ petition is squarely covered by the order passed by a Division Bench of this Court in W.P. No. 9936 of 1995, dated 23-11-1995. He also submitted that the said order became final, since no appeal was filed thereagainst.

The operative portion of the order passed by the Division Bench in W.P.No. 9936 of 1995, reads as under:

> "Therefore, fixing enhanced compounding fee at Rs.2,000-00 for contract carriages for offences committed under section 192-A is struck down. However, this will not bar the authorities to proceed with other provisions according to law. The Writ Petition is accordingly allowed, but without costs. If any amounts are collected from the petitioners for offences committed under section 192-A after 14-11-1994, the same may be returned and if any bank guarantee is furnished for the said purpose, the same shall be discharged."

Following the above decision, the respondents are directed not to seize the vehicles nor collect the compounding fee on the ground of violation of the provisions of section 192-A of the Motor Vehicle Act, 1988 in respect of the petitioners' vehicles operating as passenger vehicles under pucca permits.

Accordingly, the writ petition is allowed to the extent indicated above. No costs.

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**N.V. RAMANA, J**

**Date: 04-03-2005**

Svv

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the Fourth day of March, Two thousand and Five.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Secretary, Regional Transport Authority,
Chittoor, Chittoor District
2 Secretary, State Transport Authority,
Andhra Prdesh, Hyderabad
3 Motor Vehicle Inspector (Flying Squad)
Kurnool, Kurnool District
4 Superintendent of Police,
Chittoor, Chittoor District
5 Motor Vehicles Inspector (Flying Squad)
Hyderabad, Hyderabad District

6 Two CCs. to the Government Pleader for Transport, High Court Buildings, A.P., Hyderabad (OUT).

7 Two CD copies

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